

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE: GOOGLE, INC. COOKIE :
PLACEMENT CONSUMER PRIVACY : Civ. No. 12-MD-2358
LITIGATION :

O R D E R

AND NOW, this **24th** day of **March, 2021**, upon consideration of Plaintiff's motion for preliminary approval of the class action settlement (ECF No. 193), and after a hearing on February 25, 2021, it is hereby **ORDERED** that **by April 23, 2021**, counsel shall file a joint supplement¹ addressing the issues raised by the Court during hearing including:

1. whether and how the proposed Rule 23(b)(3) class can meet Third Circuit's ascertainability requirement, or how the settlement can be modified to meet it or make it inapplicable;

2. whether and how the settlement as proposed meets the Rule 23(e), Girsh, and Prudential fairness factors, or how the settlement can be modified to do so; and

2. whether an acceptable alternative is a Rule 23(b)(2) injunctive class settlement without broad releases.

Counsel is encouraged to meet and confer and attempt to negotiate a new settlement that address the Court's concerns.

AND IT IS SO ORDERED.

/s/ Eduardo C. Robreno
EDUARDO C. ROBRENO, J.

¹ In the event the parties cannot agree upon a joint submission, they may file separate supplements.